

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JOHN K. MURRAY, #303335

§

VS.

§

CIVIL ACTION NO. 6:12cv13

RICK THALER, ET AL.

§

ORDER OF DISMISSAL

Plaintiff John K. Murray, a prisoner confined at the Polunsky Unit of the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Second Report and Recommendation concluding that the Defendant's motion to dismiss should be granted and that the lawsuit should be dismissed without prejudice. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Defendant's motion to dismiss (docket entry #40) is **GRANTED**. It is further

ORDERED that the case is **DISMISSED** without prejudice. It is finally

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 9th day of July, 2012.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE